

**REMARKS**

The Applicant has carefully reviewed and considered the Office Action of 3 May 2007 and wishes to express appreciation for the substantive allowance of claims 5-16 set forth in that action. In response to the Office Action the applicant amends claim 1 to incorporate the subject matter of original claim 3. With the incorporation of the subject matter of claim 3 into claim 1, claim 3 is cancelled without prejudice. Further, claim 4 is amended to depend from claim 1 rather than canceled claim 3. Claims 5-16 are substantively allowed and claims 17 - 21 are withdrawn from the application.

The substantive rejections of claims 1, 2 and 4 will be discussed in detail in the following subparagraphs.

**I. THE REJECTIONS OF CLAIMS 1, 2 AND 4 UNDER 35 U.S.C. §102(a) AS BEING  
ANTICIPATED BY U.S. PATENT 6,782,585 TO CONRAD ET AL.**

As set forth in MPEP §2131, “**TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM**” (capitalization and bold type in original).

Amended claim 1 reads on a vacuum cleaner comprising a housing, a nozzle inlet, a suction generator carried on the housing and a dirt collection assembly carried on the housing. The dirt collection assembly as explicitly provided as including (a) a dirt vessel having an outer side wall, an inner side wall, a bottom wall and an inlet and an open end and (b) a filter assembly including a base that covers the open end of the dirt vessel, a manifold housing, a filter chamber, a filter element held in the filter chamber and a frustoconical air guide held in the filter chamber that directs air through the filter element.

In rejecting claims 1, 2 and 4 the Examiner argues that the element 62 illustrated in Figure 3 of the Conrad et al reference is a frustoconical air guide. Even if the element 62 is considered a frustoconical air guide, that element 62 is not provided in the filter chamber

with the filter as explicitly set forth in proposed amended claim 1. In particular, the Examiner's attention is drawn to the filter 72 that is provided in a separate chamber downstream from the element 62 fed by the air outlets 70.

Claims 2 and 4 which depend from claim 1 and are rejected on the same grounds are equally allowable for the same reasons. Further, these claims include additional limitations to support their allowability. With regard to claim 2, the Examiner argues that the filter 72 disclosed in the Conrad et al reference is "considered to be annular". Clearly, the filter 72 is not annular or ring shaped but rather disc shaped. No center opening to provide a ring shape is shown. Further, there is utterly no indication that an annular filter would perform its proper function in the device disclosed in the Conrad et al patent and certainly no purpose would be served by making the suggested modification. Based upon these comments it is believed that claims 1, 2 and 4 clearly patentably distinguish over this art and should be allowed.

**II. THE REJECTION OF CLAIMS 1, 2 AND 4 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER U.S. PATENT 6,810,557 TO HANSEN ET AL WHEN CONSIDERED IN COMBINATION WITH U.S. PATENT 5,307,538 TO RENCH ET AL.**

The Hansen et al patent discloses a cyclone separator including a housing 12, a suction inlet 14 and a dirt collection assembly 550, 560. The dirt collection assembly has an outer wall 144, an inner wall 570, a bottom wall 582, an inlet 152, an opening 154, a manifold housing connected to the opening and a filter chamber with a filter element 572. Unlike the filter 72 in the Conrad et al reference discussed above, the filter element 572 is annular in shape. Significantly, the Examiner acknowledges that the Hansen et al reference does not show a frustoconical air guide as set forth in present claim 1.

In an effort to provide this missing teaching, the Examiner relies on the Rench et al patent which discloses a frustoconical air guide 21 that concentrates clean air through the

filter element 23.

Significantly, the Rench et al patent explicitly provides that the separator or air guide 21(a) "has a tangential air inlet 29 connected by a detachable hose 31 to a vacuum nozzle 33". In particular the Examiner's attention is directed to column 7, lines 15-16. If the air guide disclosed in Rench et al is to perform its proper function it must be directly connected to the tangential air inlet. In Hansen et al the air inlet 152 and the filter element 572 are both provided and held in the side wall 14.

In stark and total contrast to this structural arrangement, claim 1 of the present invention requires that the inlet 46 is provided in the dirt vessel 24 while the filter element 32 in the frustoconical air guide 62 are both provided in the filter chamber 56 that is separate from the dirt vessel 24. Accordingly, whether considered alone or in combination the Hansen et al and Rench et al patents fail to teach or suggest the claimed invention. Thus, claims 1, 2 and 4 should be formally allowed.

#### **CONCLUSION**

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

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